

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JASPAL SINGH GILL,

Petitioner,

v.

DONALD R. HOLBROOK,

Respondent.

Case No. C20-318-RSL-MLP

ORDER LIFTING STAY AND
DIRECTING RESPONDENT TO FILE
ANSWER TO § 2254 PETITION

This is a federal habeas action brought under 28 U.S.C. § 2254. On March 24, 2020, this Court issued an Order granting Petitioner's motion to stay and hold in abeyance his federal habeas petition pending exhaustion in the state courts of his claims for federal habeas relief. (Dkt. # 7.) The parties have now advised the Court that Petitioner's state court proceedings have concluded. (Dkt. # 10.)

Accordingly, this Court ORDERS as follows:

(1) The stay in this matter is LIFTED.

(2) Not later than **May 3, 2021**, Respondent shall file and serve an answer to Petitioner's federal habeas petition in accordance with Rule 5 of the Rules Governing Section 2254

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Cases in United States District Courts. As part of such answer, Respondent shall state whether Petitioner has exhausted available state remedies and whether an evidentiary hearing is necessary. Respondent shall not file a dispositive motion in place of an answer without first showing cause as to why an answer is inadequate. Respondent shall file the answer with the Clerk of the Court and serve a copy of the answer on Petitioner.

The answer will be treated in accordance with LCR 7(d)(3). Accordingly, on the face of the answer, Respondent shall note it for consideration on the fourth Friday after filing. Petitioner may file and serve a response not later than the Monday immediately preceding the Friday designated for consideration of the matter, and Respondent may file and serve a reply not later than the Friday designated for consideration of the matter.

(3) The Clerk is directed to send copies of this Order to Petitioner, to counsel for Respondent, and to the Honorable Robert S. Lasnik.

DATED this 19th day of March, 2021.



MICHELLE L. PETERSON
United States Magistrate Judge